IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT No. 2852 of 1988

National Co-op Consumers Federation
of India Ltd & Anr. .. Plaintiffs

versus

Transport Corporation of India Ltd .. Defendant

...

Ms.N.S. Fadia for the plaintiffs.

Ms.Bidhu S. Panicker i/b Ajay Panicker for defendant

CORAM : D.G. KARNIK, J

DATED : 7th July 2006.

P.C.:

1. Heard learned counsel for the plaintiffs and defendant. The defendant has not filed the written statement.

2. Counsel for the defendant orally prays for time to file written statement. Suit has been instituted in the year 1988 and writ of summons was

also served on the defendant on 30th December 1988. For a period of nearly 17 years written statement has not been filed. No explanation has been offered for such a long delay. In the circumstances, oral request made by the counsel for further adjournment to enable it to file the written statement is rejected.

3. In the absence of written statement averments made in the plaint are deemed to be admitted. As this is a simple suit for recovery of money, I consider it appropriate to exercise the powers under Order 8 Rule 5(2) r/w Order 8 Rule 10 of the Code of Civil Procedure. Accordingly, suit of the plaintiff is decreed in terms of the prayer clause.

(D.G. KARNIK, J)